

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
T. A. No.

40/1991

198

DATE OF DECISION 26.8.1991

P.Letchmanan and 3 others Applicant (s)

Mr.M.R.Rajendran Nair Advocate for the Applicant (s)

Versus

Union of India, represented by Secretary Respondent (s)
to Govt., Ministry of Communications,
New Delhi and another

Mr.V.V.Sidharthan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P.MUKERJI, VICE CHAIRMAN

The Hon'ble Mr. A.V.HARIDASAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? Y
2. To be referred to the Reporter or not? N
3. Whether their Lordships wish to see the fair copy of the Judgement? N
4. To be circulated to all Benches of the Tribunal? N

JUDGEMENT

(Hon'ble Shri S.P.Mukerji, Vice Chairman)

The four applicants have moved this Tribunal by this application dated 3.1.91 praying that they should be declared to be entitled to the same productivity linked bonus during the period they rendered service as RTP candidates, as is admissible to regular employees. They have based their claim on the decision of the Tribunal in O.A 171/89 and O.A 612/89. The applicants were initially recruited through a qualifying examination during 1982 and 1983 and after undergoing training, they have been working as Short Duty Sorting Assistants whenever they were called upon to do so during the time of strike, agitation etc. when they were (RTP) in the Reserve Trained Pool until they were absorbed as regular Sorting Assistants between 1987 and 1990. Their contention is that while in the RTP when called upon to work as Sorting Assistants they were doing the same duties as regular

Sorting Assistants . Their grievance is that whereas the Postal Department on the basis of the judgment of the Tribunal in OA 612 /89 and OA 171/89 granted the productivity linked bonus to the applicants therein , the same is being denied to the applicants before us merely on the ground that they were not parties to those applications.

2. We have heard the arguments of the learned counsel for both the parties and gone through the documents carefully. The learned counsel for the respondents did not file any counter affidavit to the main application, but he did not deny the averments made in the main application. A similar application in OA 637/91 was disposed of by us on 30.4.1991 granting the same relief to the applicants therein as were granted by this Tribunal in OA 171/89 and OA 612/89. The following extracts from that

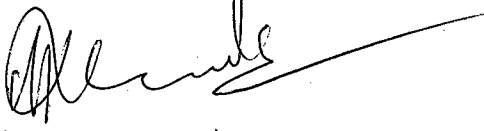
^{dated 30.4.1991}
judgment will be relevant:-
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" Again a similar issue was decided by this Bench of the Tribunal (to which one of us was a party) in its judgment dated 18.6.90 in O.A. 179/89. The Tribunal relying upon our judgment in O.A 612/89 held as follows:-

"The question of payment of Productivity Linked Bonus to the Reserve Trained Pool Postal Assistants was considered by this Bench of the Tribunal to which one of us (Shri S.P.Mukerji) was a party in O.A. 612/89. In the judgment dated 26.4.90 in that case the two applicants therein as R.T.P. were declared to be entitled to the benefit of Productivity Linked Bonus, if like casual workers they have put in 240 days of service each year for three years or more as on 31st March of each year after their recruitment. The ratio in that judgment was that no distinction can be made between an R.T.P worker and the casual labourer. If casual labourers have been given ex gratia payment on the lines of Productivity Linked Bonus there was no reason why the R.T.P. candidates also should not get the same after they fulfil the same conditions of intermittent employment etc. which are applicable to casual labourers also. The argument of the respondents in the case before us that R.T.P. candidates being not regular employees and not holding any post are not entitled to Productivity Linked Bonus

cannot be accepted because Casual Labourers also are not regular employees nor do they hold any post in the department. It appears that R.T.P. candidates were excluded from the Bonus scheme because as indicated by the respondents themselves, when the original scheme of Productivity Linked Bonus was framed the category of R.T.P. was not in existence. From that account they cannot be, to our mind, discriminated against."

3. In the facts and circumstances we allow this application, declaring that the applicants while they were in the R.T.P. category, are entitled to the benefits of productivity linked bonus, if like the casual workers they had put in 240 days of service each year for three years or more as on 31st March of each bonus year after their recruitment as R.T.P. candidates. The amount of productivity linked bonus would be based on their average monthly emoluments determined by dividing the total emoluments for each accounting year of eligibility, by 12 and subject to other conditions of the scheme prescribed from time to time. There will be no order as to costs.


(A. V. Haridasan)
Judicial Member


(S. P. Mukerji)
Vice Chairman

N.J.J